IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 16822 of 2004(C)

PETITIONER:

K.V.SREEDHARAN, MARUTHI NIVAS,
CANALA ROAD, ERANHIPALAM, KOZHIKODE-6.

BY ADV. SRI.ABRAHAM VAKKANAL
SRI.SAJI KURIACHAN
SRI.M.R.NANDAKUMAR
SRI.PAUL ABRAHAM VAKKANAL

RESPONDENTS:
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1. THE SPECIAL TAHSILDAR, LAND ACQUISITION, CIVIL STATION, KOZHIKODE-20.

2. THE EXECUTIVE ENGINEER, P.W.D. ROADS DIVISION, CIVIL STATION P.O., KOZHIKODE - 20.

3. MR.P.SADEESH, EXECUTIVE ENGINEER, P.W.D.ROADS DIVISION, CIVIL STATION P.O., KOZHIKODE-20.

4. STATE OF KERALA, REPRESENTED BY THE SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 16822/2004 C

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE APPROVED PLAN GIVEN ALONG WITH THE BUILDING PERMIT DT. 23/7/2001.

EXT.P2. COPY OF THE PLAN SHOWING THE PROPOSAL FOR ACQUISITION IN THE MINI BYE PASS ROAD.

EXT.P3. COPY OF THE NOTIFICATION DT. 28/10/02 IN THE MATHRUBHOOMI PAPER.

EXT.P4. COPY OF THE PETITION DT. 1/11/2002 BY THE PETITIONER TO R1.

EXT.P5. COPY OF THE NOTICE NO. A. 780/02 DT. 19/11/03 FROM THE SPL TAHSILDAR, KOZHIKODE.

EXT.P6. COPY OF THE OBJECTION DT. 23/12/2003 WITH SKETCH FROM THE PETITIONER.

EXT.P7. COPY OF THE NOTICE NO. A. 780/2002 DT. 27/2/2004.

EXT.P8. COPY OF THE STATEMENT DT. 15/3/2004 FILED BY THE PETITIONER BEFORE THE R1.

EXT.P9. COPY OF THE SKETCH SHOWING THE PORTION OF THE PETITIONER'S LAND.

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 16822 OF 2004

Dated this the 15th day of June, 2007.

J U D G M E N T

This writ petition is filed with the following prayers.

> "i) to issue a writ of certiorari or other appropriate order or direction quashing Ext. P3, P5 and P7 and all other connected proceedings to the extent it includes the petitioner's 0.0195 Hect. of land in Sy. No. 2-18-678 Pt. of Katcheri Village, in the min-bye pass road for acquisition singularly in a "cul de sac" manner as shown in Ext. P2 sketch, it being malafide and illegal, after calling for the original records.
>
> ii) to issue a writ of mandamus or other appropriate order or direction to the respondents to acquire the petitioner's land, if necessary, only in a tapering manner as shown in Ext. P9 sketch, which was the original proposal of the P.W.D. itself".

2. In view of the disputed questions of fact involved in this case, it is only proper for the petitioner to approach Chief Engineer, PWD since allegations are raised against his subordinate Executive Engineer. This writ petition is disposed of as follows.

In the event of the petitioner approaching the Chief Engineer, PWD within a period of one month from today along with a copy of the writ petition, the matter will be duly considered by the Chief Engineer,PWD with notice to the petitioner and appropriate orders in accordance with law will be passed within another three months. Interim order passed by this Court on 22.06.2004 will continue till such time.

KURIAN JOSEPH, JUDGE.

smp